

# EXHIBIT B

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

SUSAN ROY, on behalf of herself and all others  
similarly situated,

Plaintiff,

vs.

ESL FEDERAL CREDIT UNION,  
Defendant.

CASE NO. 6:19-cv-06122-FPG-JWF

**JOINT DECLARATION OF CLASS COUNSEL  
JEFF OSTROW, ANDREA GOLD, AND SOPHIA GOLD IN SUPPORT OF  
RENEWED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

We, Jeff Ostrow, Andrea Gold, and Sophia Gold declare as follows:

1. We are counsel of record for Plaintiff and the proposed Class Counsel for the Retry Fee Class and Sufficient Funds Fee Class in the above-captioned matter. We submit this declaration in support of Plaintiff's Unopposed Renewed Motion for Preliminary Approval of Class Action Settlement. Unless otherwise noted, we have personal knowledge of the facts set forth in this declaration and could and would testify competently to them if called upon to do so.

2. After several rounds of arms-length negotiation and settlement discussions, including two full-day mediation sessions with mediator Simeon H. Baum, Plaintiff, proposed Class Counsel, and Defendant entered into a Settlement Agreement in this matter. As explained below, a Revised Settlement Agreement and Releases was executed following the Court's June 17, 2021 Decision and Order denying preliminary approval without prejudice, a true and correct copy of which is attached as *Exhibit A* to the Unopposed Memorandum of Law in Support of Renewed Motion for Preliminary Approval of Class Action Settlement.<sup>1</sup>

3. The firm resume of Kopelowitz Ostrow Ferguson Weiselberg Gilbert is attached as *Exhibit 1* to this declaration.

4. The firm resume of Kaliel Gold PLLC is attached as *Exhibit 2* to this declaration.

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<sup>1</sup> The capitalized terms used herein are defined in and have the same meaning as used in the Settlement Agreement unless otherwise stated.

5. The firm resume of Tycko & Zavareei LLP is attached as *Exhibit 3* to this declaration.

6. As can be seen from these resumes, proposed Class Counsel have substantial experience in the litigation, certification, and settlement of class action cases, specifically in the overdraft fee and insufficient funds fee context. Based on our experience, Defendant's counsel are also highly experienced in this type of litigation. It is thus our considered opinion that counsel for each side have fully evaluated the strengths, weaknesses, and equities of the Parties' respective positions and believe that the proposed settlement fairly resolves their respective differences.

7. Prior to filing, Class Counsel thoroughly investigated the viability of Plaintiff's claims. Class Counsel interviewed a number of Defendant's members to gather information about Defendant's conduct and its impact upon consumers, which was essential to their ability to understand the nature of the Defendant's conduct, the language of the Account agreement and other documents at issue, and potential remedies.

8. Class Counsel expended significant resources researching and developing the legal claims at issue. Indeed, Class Counsel is familiar with the instant claims through their extensive history of litigating and resolving other banking fee claims with similar factual and legal issues to the case at bar. Class Counsel has experience in understanding the damages at issue, what information is critical in determining class membership, and what data is necessary to calculate each Settlement Class Member's respective damages. These key issues were to be heavily contested throughout the litigation, including during the Parties' written discovery process and ongoing meet and confer efforts. To prepare for mediation, Class Counsel analyzed the damages at issue in this case. Class Counsel, along with their data expert, spent a significant amount of time analyzing preliminary transactional data regarding Defendant's assessment of the Retry Fees and Sufficient Funds Fees at issue. Defendant similarly retained its own expert who conducted a review and analyzed such data accordingly. This data and analysis evaluating potential damages at issue was used in preparation for the Parties' scheduled meditations and to further drive the viability of resolution.

9. The Action was filed on February 15, 2019. From the beginning, Defendant vigorously defended the claims in the Action.

10. On October 7, 2019, Plaintiff filed the operative Amended Complaint, asserting claims for breach of contract and the covenant of good faith and fair dealing, and violation of New York General Business Law (“GBL”), Section 349, arising from allegations that Defendant improperly assessed both Retry Fees and Sufficient Funds Fees on customers’ accounts.

11. On November 7, 2019, Defendant filed a Motion to Dismiss the Amended Complaint pursuant to Federal Rule of Civil Procedural 12(b)(6), which the Court granted as to the breach of the implied covenant of good faith and fair dealing claim, but denied as to the breach of contract and GBL claims on September 30, 2020. On October 14, 2020, Defendant filed its Answer and Affirmative Defenses.

12. While the motion to dismiss was pending, the Parties engaged in important written discovery and numerous meet and confer conferences made in good faith regarding outstanding discovery disputes, including those regarding Defendant’s production of electronically stored information (“ESP”) and cost-shifting considerations.

13. The Parties also participated in two mediation sessions before Mediator Simeon H. Baum, Esq.—first on April 2, 2020, and then again on September 15, 2020. The Parties did not settle at either mediation.

14. Shortly after the second mediation session, the Parties engaged in further negotiations and ultimately agreed to settle the Action in its entirety with Mr. Baum’s assistance. The Parties filed a Notice of Settlement with the Court reflecting the same and requested that the Court vacate all upcoming hearings and deadlines in the Action pending the Parties execution of the Agreement and the filing of the motion for Preliminary Approval of the Settlement.

15. In summary, this Action was litigated and analyzed thoroughly prior to negotiating the Settlement. Class Counsel spent significant time communicating with Plaintiff, investigating facts, researching the law, preparing the Complaint and Amended Complaint, engaging in discovery and motion practice, working with an expert witness, and reviewing important documents and data.

16. On February 8, 2021 the Parties finalized and executed their formal Settlement Agreement. Following the Court’s Decision and Order dated June 17, 2021, denying Preliminary

Approval without prejudice, the Parties negotiated and executed their Revised Settlement Agreement and Releases dated July 15, 2021, which is the operative agreement for which Preliminary Approval is sought.

17. The Settlement Fund represents approximately 44% of the Retry Fees and Sufficient Funds Fees allegedly wrongly assessed against the Retry Fee Class and Sufficient Funds Fee Class. In light of the inherent litigation risks, Plaintiff and proposed Class Counsel submit that it is a very fair and reasonable recovery. Class Counsel weighed a number of factors before deciding to settle. First, Class Counsel considered that Defendant contends that the account agreements authorize the assessment of the challenged fees. It was a distinct possibility that a jury could find in Defendant's favor on this issue. Next, Class Counsel considered the possibility that this Court would deny class certification. Class Counsel also considered the amount of the settlement in comparison to a number of other similar bank fee settlements around the country and found it to be in line with those settlements. Finally, in reaching the conclusion that the Value of the Settlement in this Action is adequate, Class Counsel also considered that the Retry Fee Class and Sufficient Funds Fee Class are receiving real money and forgiveness of Uncollected Relevant Fees, without having to take the step of submitting a claim or having to wait years for a trial and potential appeal.

18. With the Court's approval, the Settlement Administrator will oversee the Notice Program and Settlement Administration. The Notice Program is designed to provide the best notice practicable and is tailored to take advantage of the information Defendant has available about the Retry Fee Class and Sufficient Funds Fee Class members. The Notice Program is reasonably calculated to apprise Retry Fee Class and Sufficient Funds Fee Class members of: the material Settlement terms; a date by which they may exclude themselves from the Retry Fee Class and Sufficient Funds Fee Class; a date by which Settlement Class Members may object to the Settlement; the Final Approval Hearing date; and the Settlement Website address where the Retry Fee Class and Sufficient Funds Fee Class may access the Agreement and other related documents. The Notice Program constitutes sufficient notice to all persons entitled to notice. The Notice Program satisfies all

applicable requirements of law, including, but not limited to, Federal Rule of Civil Procedure 23 and constitutional due process.

19. As part of the Settlement, Defendant has agreed not to oppose Plaintiff's request for a Service Award of up to \$5,000.00, which will be formally requested when Final Approval of the Settlement is sought. The Service Award will compensate the Class Representative for her time and effort and for the risks they assumed in prosecuting the Action. Specifically, Plaintiff provided assistance that enabled Class Counsel to successfully prosecute the Action and reach the Settlement, including: (1) submitting to interviews with Class Counsel; (2) locating and forwarding documents and information to Class Counsel; and (3) keeping apprised of the case and conferring with Class Counsel. In so doing, the Plaintiff was integral to the case.

20. Defendant has also agreed not to oppose Class Counsel's request for attorneys' fees of up to 33.33% of the Value of the Settlement, and to reimburse Class Counsel's expenses in this litigation. Class Counsel will seek no more than 33.33% of the Value of the Settlement. Class Counsel will formally request attorneys' fees when Final Approval of the Settlement is sought. Class Counsel has not been paid for their extensive efforts or reimbursed for litigation costs and expenses. The parties did not discuss attorneys' fees and costs or any potential Service Award until they first agreed on the material terms of the Settlement, including the class definition, which has now been separated into the Retry Fee Class and Sufficient Funds Fee Class, class benefits, and scope of relief.

21. The Parties' negotiations were principled, with each side basing their offers and counteroffers on an analysis of discovery exchanged as well as damage data provided by Defendant. In addition, the negotiations were based on the Parties' respective assessments of the strengths and weaknesses of their positions, and interpretations of the law relative to those positions. The Parties concluded the benefits of settlement in this case outweigh the risks and uncertainties of continued litigation, as well as the attendant time and expenses associated with contested class certification proceedings and possible interlocutory appellate review if granted, completing the remaining class-wide merits discovery if the classes were certified, pretrial motion practice, trial, and finally appellate review.

22. The Settlement in this case is the product of intensive, arms-length negotiations between experienced attorneys who are familiar with class action litigation and with the legal and factual issues in this Action.

23. Plaintiff maintains that her claims are meritorious; that she would establish liability and recover substantial damages if the case proceeded to trial; and that the final judgment recovered in favor of Plaintiff and the certified classes would be affirmed on appeal. But Plaintiff's ultimate success would require her to prevail, in whole or in part, at all of these junctures. Conversely, Defendant's success at any of these junctures could or would have spelled defeat for Plaintiff and the Retry Fee Class and Sufficient Funds Fee Class. Thus, continued litigation posed significant risks and numerous uncertainties, as well as the time, expense, and delay associated with trial and appellate proceedings.

24. On the basis of our investigation into this case and experience with and knowledge of the law and procedure governing the claims of Plaintiff and the Retry Fee Class and Sufficient Funds Fee Class, it is our belief that it is in the best interests of the Retry Fee Class and Sufficient Funds Fee Class to enter into this Settlement. Indeed, in light of the risks, uncertainties, and delays associated with continued litigation, the Settlement represents a significant achievement by providing guaranteed benefits to Settlement Class Members in the form of direct cash compensation.

25. With this Settlement, Plaintiff achieved her desired goal in this litigation—i.e., obtaining repayment of the complained about fees for Defendant's customers. Here, Class Counsel viewed the strength of the claims of each class as essentially equivalent and, in turn, negotiated the same percentage of damages for the cash Settlement Fund. The recovery provided by the Settlement includes a \$1,700,000.00 cash Settlement Fund paid by Defendant, allocated \$935,000.00 to the Sufficient Funds Fee Class and \$735,000.00 to the Retry Fee Class. The allocation is tied directly to the amount of such fees allegedly wrongfully assessed by ESL, i.e. the damages to each class from the distinct applicable challenged fee assessment practice. Put another way, the portion of the Settlement Fund for each class is approximately 44% of the total allegedly wrongful fees assessed and paid. In the Decision and Order, the Court noted that, as to universe of Uncollected Relevant Fees, the distribution between Uncollected Retry Fees and Uncollected Sufficient Funds Fees is 77%

(\$100,973.22) and 23% (\$29,785.14), respectively. That distribution simply aligns with the amounts of Uncollected Retry Fees and Uncollected Sufficient Funds Fees assessed during the Class Period. Further, ESL is forgiving 100% of all such Uncollected Relevant Fees for both classes.

26. The Court referenced confusion in footnote 3 to the Decision and Order regarding the percentage of damages referenced in the original motion and the prior joint declaration submitted. Class Counsel only meant to represent that the recovery for each class is approximately 44% of the Retry Fees and the Sufficient Funds Fees allegedly wrongfully assessed and paid.

27. The Net Settlement Fund, calculated by subtracting from the \$1,700,000.00 Settlement Fund Court approved attorneys' fees and expenses; any notice and administration expenses incurred; and any Court approved Service Award to Plaintiff, will be distributed to Settlement Class Members using the formulas included in paragraph 78.d. of the Agreement. These benefits are an excellent result for the Sufficient Funds Fee Class and Retry Fee Class.

28. We are confident in the strength of Plaintiff's case as to both challenged practices and the related legal arguments, but we are also pragmatic regarding the risks in continuing this Litigation, including the possibility that the Court would deny class certification or grant summary judgment, or that Plaintiff and the class could not prevail at trial. Defendant continues to dispute that the fees were improperly assessed given its proffered contract interpretation. In this context, the amount of the Net Settlement Fund to be distributed automatically to class members will be an outstanding recovery.

29. Each of these risks could have impeded Plaintiff's and the Retry Fee Class's and Sufficient Funds Fee Class's successful prosecution of their claims at trial and in an eventual appeal. While Plaintiff disputes Defendant's arguments, it was unclear how the arguments would be resolved at the class certification stage or trial. Thus, there was a substantial risk that class members could receive nothing at all.

30. Moreover, even if Plaintiff prevailed at trial, any recovery could be delayed by an appeal. Thus, even in the best case, it could take years to get relief for class members. The Settlement provides substantial relief to the Retry Fee Class and Sufficient Funds Fee Class without further delay.



31. Class Counsel has devoted substantial time and resources to this Action, and Plaintiff and Class Counsel will vigorously protect the interests of the Retry Fee Class and Sufficient Funds Fee Class.

32. The numerosity requirement of Rule 23(a) is satisfied because the Retry Fee Class and Sufficient Funds Fee Class collectively consist of over 40,000 of Defendant customers, with each class having thousands of members, and joinder of all such persons is impracticable.

33. Liability questions common to all members of the Retry Fee Class and Sufficient Funds Fee Class substantially outweigh any possible issues that are individual to each member of the Retry Fee Class and Sufficient Funds Fee Class. There are multiple questions of law and fact – centering on Defendant’s alleged systematic practice of assessing the respective fees – that are common to the Retry Fee Class and Sufficient Funds Fee Class, that are alleged to have injured all Retry Fee Class and Sufficient Funds Fee Class members in the same way, and that would generate common answers central to the viability of the claims were the Action to proceed to trial. Each Retry Fee Class and Sufficient Funds Fee Class member’s relationship with Defendant arises from account agreements that are the same or substantially similar in all relevant respects to other Retry Fee Class and Sufficient Funds Fee Class members’ account agreements.

34. The Rule 23(b)(3) predominance requirement is readily satisfied because liability questions common to all members of the Retry Fee Class and Sufficient Funds Fee Class substantially outweigh any possible issues that are individual to each member of the Retry Fee Class and Sufficient Funds Fee Class. Liability questions common to all members of the Retry Fee Class and Sufficient Funds Fee Class substantially outweigh any possible issues that are individual to each member of the Retry Fee Class and Sufficient Funds Fee Class.

35. Plaintiff’s claims are typical of absent members of the Retry Fee Class and Sufficient Funds Fee Class because they were subjected to the same Defendant practices leading to the assessment of fees, suffered from the same injuries, and they will benefit equally from the relief provided by the Settlement.

36. Plaintiff's interests are coextensive with, not antagonistic to, the interests of the Retry Fee Class and Sufficient Funds Fee Class because she and the absent Retry Fee Class and Sufficient Funds Fee Class members have the same interest in the relief the Settlement affords, and the absent members of the Retry Fee Class and Sufficient Funds Fee Class have no diverging interests. Plaintiff is a member of both the Retry Fee Class and the Sufficient Funds Fee Class. Plaintiff and proposed Class Counsel were incentivized to maximize the recovery for both classes, and obtained approximately 44% of the total wrongfully assessed Relevant Fees via the Agreement. Class Counsel evaluated the strength of the claims for each class as essentially equal, thus the interests of Plaintiff, the Retry Fee Class members, and the Sufficient Funds Fee Class members do not diverge as to the distribution of the allocated Settlement Fund or the forgiveness of Uncollected Retry Fees and Uncollected Sufficient Funds Fees.

I declare under penalty of perjury that the foregoing is true of my own personal knowledge.  
Executed in Fort Lauderdale, Florida this 2nd day of August, 2021.

/s/ Jeff Ostrow  
JEFF OSTROW

I declare under penalty of perjury that the foregoing is true of my own personal knowledge.  
Executed in Albany, California this 2nd day of August, 2021.

/s/ Sophia Gold  
SOPHIA GOLD

I declare under penalty of perjury that the foregoing is true of my own personal knowledge.  
Executed in Kensington, Maryland this 2nd day of August, 2021.

/s/ Andrea Gold  
ANDREA GOLD

# EXHIBIT 1



## FIRM RESUME

One West Las Olas Boulevard, Suite 500  
Fort Lauderdale, Florida 33301

**Telephone:** 954.525.4100

**Facsimile:** 954.525.4300

**Website:** [www.kolawyers.com](http://www.kolawyers.com)

**Miami – Fort Lauderdale – Boca Raton**

## OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 26-plus attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

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## WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include: being listed among the "Legal Elite Attorneys" and as "Florida Super Lawyers"; achieving an AV® Preeminent™ rating by the Martindale-Hubbell peer review process; being Board Certified in their specialty; serving as in-house counsel for major corporations, as a city attorney handling government affairs, as a public defender, and as a prosecutor; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

# CLASS ACTION PLAINTIFF

Since its founding, KO has initiated and served as co-lead counsel and liaison counsel in many high-profile class actions. Currently, the firm serves as liaison counsel in a multidistrict class action antitrust case against four of the largest contact lens manufacturers pending before Judge Schlesinger in the Middle District of Florida. *See In Re: Disposable Contact Lens Antitrust Litigation*, MDL 2626 as well as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.).

Further, the firm has served or is currently serving as lead or co-lead counsel in dozens of certified and/or proposed class actions against national and regional banks involving the unlawful re-sequencing of debit and ATM transactions resulting in manufactured overdraft fees, and other legal theories pertaining to overdraft fees and insufficient funds (NSF) fees. The cases are pending, or were pending, in various federal and state jurisdictions throughout the country, including some in multidistrict litigation pending in the Southern District of Florida and others in federal and state courts dispersed throughout the country. KO's substantial knowledge and experience litigating overdraft class actions and analyzing overdraft damage data has enabled the firm to obtain about a dozen multi-million dollar settlements (in excess of \$400 million) for the classes KO represents.

Additionally, other current cases are being litigated against automobile insurers for failing to pay benefits owed to insureds with total loss vehicle claims; data breaches; false advertising; defective consumer products and vehicles; antitrust violations; and suits on behalf of students against colleges and universities arising out of the COVID-19 pandemic.

The firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other insurance cases include auto insurers failing to pay benefits owed to insureds with total loss vehicle claims. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

## CLASS ACTION DEFENSE

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, an aircraft maker and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

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## MASS TORT LITIGATION

The firm also has extensive experience in mass tort litigation, including the handling of cases against Bausch & Lomb in connection with its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained millions in recoveries for its clients.

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## OTHER AREAS OF PRACTICE

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

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## FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit [www.kolawyers.com](http://www.kolawyers.com).

**CLASS ACTION AND MASS TORT SETTLEMENTS****FINANCIAL  
INSTITUTIONS**

*Roberts v. Capital One, N.A.*, 16 Civ. 4841 (LGS) (S.D.N.Y. 2020) - \$17 million

*Lloyd v. Navy Federal Credit Union*, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - \$24.5 million

*Farrell v. Bank of America, N.A.*, 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - \$66.6 million

*Bodnar v. Bank of America, N.A.*, 5:14-cv-03224-EGS (E.D. Pa. 2015) - \$27.5 million

*Morton v. Green Bank*, 11-135-IV (20<sup>th</sup> Judicial District Tenn. 2018) - \$1.5 million

*Hawkins v. First Tennessee Bank*, CT-004085-11 (13<sup>th</sup> Judicial District Tenn. 2017) - \$16.75 million

*Payne v. Old National Bank*, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - \$4.75 million

*Swift v. Bancorpsouth*, 1:10-CV-00090 (N.D. Fla. 2016) - \$24.0 million

*Mello v. Susquehanna Bank*, 1:09-MD-02046 (S.D. Fla. 2014) - \$3.68 million

*Johnson v. Community Bank*, 3:11-CV-01405 (M.D. Pa. 2013) - \$1.5 million

*McKinley v. Great Western Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$2.2 million

*Blabut v. Harris Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$9.4 million

*Wolfgeher Commerce Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$18.3 million

*Case v. Bank of Oklahoma*, 09-MD-02036 (S.D. Fla. 2012) - \$19.0 million Settlement

*Hawthorne v. Umpqua Bank*, 3:11-CV-06700 (N.D.Ca. 2012) - \$2.9 million Settlement

*Simpson v. Citizens Bank*, 2:12-CV-10267 (E.D. Mi. 2012) - \$2.0 million

*Nelson v. Rabobank*, RIC 1101391 (Riverside County, Ca. 2012) - \$2.4 million

*Harris v. Associated Bank*, 1:09-MD-02036 (S.D. Fla. 2012) - \$13.0 million

*LaCour v. Whitney Bank*, 8:11-CV-1896 (M.D. Fla. 2012) - \$6.8 million

*Orallo v. Bank of the West*, 1:09-MD-202036 (S.D. Fla. 2012) - \$18.0 million

*Tanlawa v. Bank of Hawaii*, 11-1-0337-02 (1st Cir. Hawaii 2011) - \$9.0 million

*Trevino v. Westamerica*, CIV 1003690 (Marin County, CA 2010) - \$2.0 million



## FALSE PRICING

*Gattinella v. Michael Kors* (USA), 14-Civ-5731 (WHP) (S.D. NY 2015) - \$4.875 million

*Stathakos v. Columbia Sportswear*, 4:15-cv-04543-YGR (N.D. Ca. 2018) - Injunctive relief prohibiting deceptive pricing practices

## CONSUMER PROTECTION

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*Walters v. Target Corp.*, 3:16-cv-1678-L-MDD (S.D. Cal. 2020) – \$8.2 million

*Papa v. Grieco Ford Fort Lauderdale, LLC*, 18-cv-21897-JEM (S.D. Fla. 2019) - \$4.9 million

*Bloom v. Jenny Craig, Inc.*, 18-cv-21820-KMM (S.D. Fla. 2019) - \$3 million

*DiPuglia v. US Coachways, Inc.*, 1:17-cv-23006-MGC (S.D. Fla. 2018) - \$2.6 million

*Masson v. Tallahassee Dodge Chrysler Jeep, LLC*, 1:17-cv-22967-FAM (S.D. Fla. 2018) - \$850,000

## MASS TORT

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*In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.) - MDL No. 2924 – Co-Lead Counsel

*In re: Stryker Rejuvenate and ABG II PRODUCTS LIABILITY LITIGATION*, 13-MD-2411 (17th Jud. Cir. Fla. Complex Litigation Division)

*In re: National Prescription Opiate Litigation*, 1:17-md-02804-DAP (N.D. Ohio) - MDL 2804

*In re: Smith and Nephew BHR Hip Implant Products Liability Litigation*, MDL-17-md-2775

*Yasmin and YAZ Marketing, Sales Practices and Products Liability Litigation*, 3:09-md-02100-DRH-PMF (S.D. Ill.) – MDL 2100

*In re: Prempro Products Liability Litigation*, MDL Docket No. 1507, No. 03-cv-1507 (E.D. Ark.)

# JEFF OSTROW

Managing Partner

## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

## ***Education***

Nova Southeastern University, J.D. - 1997

University of Florida, B.S. – 1994

***Email: [Ostrow@kolawyers.com](mailto:Ostrow@kolawyers.com)***



Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice immediately upon graduation from law school in 1997, co-founded the current firm in 2001, and has since grown it to nearly 50 attorneys in 3 offices throughout South Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the areas of consumer class actions, sports and business law. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Ostrow is an accomplished trial attorney who represents both Plaintiffs and Defendants, successfully trying many cases to verdict involving multi-million dollar damage claims in state and federal courts. Currently, he serves as lead counsel in nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$400,000,000 for tens of millions of bank customers, as well as monumental changes in the way banks assess fees. In addition, Mr. Ostrow has litigated consumer class actions against some of the world's largest clothing retailers, health insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, FoxNews, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic Swimming, the NFL, NBA and MLB.

In addition to the law practice, he is the President of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic swimmers and select NFL athletes and is licensed by both the NFL Players Association and the NBA Players Association as a certified Contract Advisor. Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating and arbitrating a wide-range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the United States Anti-Doping Agency.

He is the founder and President of Class Action Lawyers of American, a member of the Public Justice Foundation, and a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won multi-million dollar verdicts. Additionally, he has been named as one of the top lawyers in Florida by Super Lawyers® for several years running, honored as one of Florida's Legal Elite Attorneys, recognized as a Leader in Law by the Lifestyle Media Group®, and nominated by the South Florida Business Journal® as a finalist for its Key Partners Award. Mr. Ostrow is a recipient of the Gator 100 award for the fastest growing University of Florida alumni-owned law firm in the world.<sup>9</sup>

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is a Member of the Broward County Courthouse Advisory Task Force. He is also the Managing Member of One West LOA LLC, a commercial real estate development company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. He has previously sat on the boards of a national banking institution and a national healthcare marketing company.



# ROBERT C. GILBERT

Partner

## **Bar Admissions**

The Florida Bar

District of Columbia Bar

## ***Court Admissions***

Supreme Court of the United States

U.S. Court of Appeals for the 11th Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

## ***Education***

University of Miami School of Law, J.D. - 1985

Florida International University, B.S. - 1982

***Email: [Gilbert@kolawyers.com](mailto:Gilbert@kolawyers.com)***

Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Breach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



# JONATHAN M. STREISFELD

Partner

## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

Supreme Court of the United States

U.S. Court of Appeals for the First, Second, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, Western District of New York

U.S. District Court, Western District of Tennessee

## ***Education***

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

***Email: [streisfeld@kolawyers.com](mailto:streisfeld@kolawyers.com)***

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast and successful experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$400,000,000 for millions of bank and credit union customers, as well as profound changes in the way banks assess fees. Additionally, he has and continues to serve as lead and class counsel for consumers in many class actions involving false advertising and pricing, defective products, and data breach. In addition, Mr. Streisfeld has litigated class actions against some of the largest health and automobile insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships. Mr. Streisfeld also provides legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters.

As a member of The Florida Bar, Mr. Streisfeld served for many years on the Executive Council of the Appellate Practice Section and is a past Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.





# DANIEL TROPIN

Partner

## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

## ***Education***

University of Virginia, J.D. - 2012

Emory University, B.A. - 2008

***Email: [tropin@kolawyers.com](mailto:tropin@kolawyers.com)***

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Daniel Tropin is a litigator who specializes in complex commercial cases and class action litigation. Mr. Tropin joined the law firm as a partner in 2018, and has a wealth of experience across the spectrum of litigation, including class actions, derivative actions, trade secrets, arbitrations, and product liability cases.

Mr. Tropin graduated from the University of Virginia law school in 2012, and prior to joining this firm, was an associate at a major Miami law firm and helped launch a new law firm in Wynwood. He was given the Daily Business Review's Most Effective Lawyers, Corporate Securities award in 2014. His previous representative matters include:

- Represented a major homebuilder in an action against a former business partner, who had engaged in a fraud and defamation scheme to extort money from the client. Following a jury trial, the homebuilder was awarded \$1.02 billion in damages. The award was affirmed on appeal.
- Represented the former president and CEO of a cruise line in a lawsuit against a major international venture capital conglomerate, travel and entertainment company, based on allegations of misappropriation of trade secrets, breach of a non-disclosure agreement, and breach of a partnership agreement.
- Represented the CEO of a rapid finance company in an action seeking injunctive relief to protect his interest in the company.
- Represented a medical supply distribution company in an action that involved allegations of misappropriation and breach of a non-circumvention agreement.
- Represented a mobile phone manufacturer and distributor in a multi-million-dollar dispute regarding membership interests in a Limited Liability Company, with claims alleging misappropriation of trade secrets and breach of fiduciary duty.
- Represented a major liquor manufacturer in a products liability lawsuit arising out of an incident involving flaming alcohol.



# JOSH LEVINE

Partner

***Bar Admissions***

The Florida Bar

***Court Admissions***

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Illinois

***Education***

University of Miami School of Law, J.D. - 2011

University of Central Florida, B.A. - 2006

***Email: [levine@kolawyers.com](mailto:levine@kolawyers.com)***

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Josh Levine is a litigation attorney, and his practice takes him all over the State of Florida and the United States. Mr. Levine focuses on civil litigation and appellate practice, primarily in the areas of class actions and commercial litigation.

Mr. Levine has handled over 175 appeals in all five of Florida's District Courts of Appeal and the Florida Supreme Court, as well as multiple federal appellate courts. Mr. Levine has represented both businesses and individuals in litigation matters, including contractual claims, fraud, breach of fiduciary duty, negligence, professional liability, enforcement of non-compete agreements, trade secret infringement, real estate and title claims, other business torts, insurance coverage disputes, as well as consumer protection statutes.

Mr. Levine is a member of the Florida Bar Appellate Court Rules Committee, currently serving as the vice-chair of the Civil Practice Subcommittee and is an active member of the Appellate Practice Section of the Florida Bar and the Broward County Bar Association. Mr. Levine recently completed a four-year term as a member of the Board of Directors of the Broward County Bar Association Young Lawyers Section.

Mr. Levine received a Juris Doctor degree, Magna Cum Laude, from the University of Miami School of Law. While attending law school, he served as an Articles and Comments Editor on the University of Miami Inter-American Law Review and was on the Dean's List, and a Merit Scholarship recipient. Mr. Levine also was awarded the Dean's Certificate of Achievement in Legal Research and Writing, Trusts & Estates, & Professional Responsibility classes.

Before joining KO, Mr. Levine worked at an Am Law 100 firm where he also focused on civil litigation and appellate practice, primarily representing banks, lenders, and loan servicers in consumer finance related litigation matters.



# KRISTEN LAKE CARDOSO

Partner

## ***Bar Admissions***

The Florida Bar

## ***Court Admissions***

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

## ***Education***

Nova Southeastern University, J.D., 2007

University of Florida, B.A., 2004

***Email: [cardoso@kolawyers.com](mailto:cardoso@kolawyers.com)***



Kristen Lake Cardoso is a litigation attorney focusing on complex commercial cases and consumer class actions. She has gained valuable experience representing individuals and businesses in state and federal courts at both the trial and appellate levels in a variety of litigation matters, including contractual claims, fraud, breach of fiduciary duty, negligence, professional liability, real estate claims, enforcement of non-compete agreements, trade secret infringement, shareholder disputes, deceptive trade practices, other business torts, as well as consumer protection statutes.

Mrs. Cardoso's class action cases have involved, amongst other things, data breaches, violations of state consumer protection statutes, and breaches of contract. Mrs. Cardoso has represented students seeking reimbursements of tuition, room and board, and other fees paid to their colleges and universities for in-person education, housing, meals, and other services not provided when campuses closed during the COVID-19 pandemic. Ms. Cardoso has also represented consumers seeking recovery of gambling losses from tech companies that profit from illegal gambling games offered, sold, and distributed on their platforms.

Mrs. Cardoso is admitted to practice law throughout the State of Florida, as well as in the United States District Courts for the Southern District of Florida and the Northern District of Florida. Mrs. Cardoso attended the University of Florida, where she received her Bachelor's degree in Political Science, cum laude. She received her law degree from Nova Southeastern University, magna cum laude. While in law school, Mrs. Cardoso served as an Articles Editor for the Nova Law Review, was on the Dean's List, and was the recipient of a scholarship granted by the Broward County Hispanic Bar Association for her academic achievements. When not practicing law, Mrs. Cardoso serves as a volunteer at Saint David Catholic School. She has also served on various committees with the Junior League of Greater Fort Lauderdale geared towards improving the local community through leadership and volunteering.

# RACHEL GLASER

Associate



## ***Bar Admissions***

The Florida Bar  
The California Bar

## ***Court Admissions***

U.S. District Court, Southern District of California

## ***Education***

Nova Southeastern University, J.D., 2020  
Florida State University, B.S., 2017

***Email: [glaser@kolawyers.com](mailto:glaser@kolawyers.com)***

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Rachel Feder Glaser is an attorney in KO's Fort Lauderdale office and is an active member of the Florida Bar. Her practice focuses primarily on class action litigation. Ms. Glaser litigates consumer class action lawsuits, including cases against some of the largest financial institutions in Florida and around the United States, challenging their unlawful assessment and collection of account fees. She has also assisted the firm in class actions targeting auto insurance companies across the country, in connection with the failure to provide proper coverage in the event of a total vehicular loss.

Ms. Glaser earned her Juris Doctor, summa cum laude, from Nova Southeastern University, Shepard Broad College of Law, where she served as an Executive Board Member of the Nova Trial Association, Senior Associate for the Nova Law Review, and as a teaching assistant for the Legal Research and Writing department. Ms. Glaser was consistently placed on the Dean's List and received the Book Awards in Legal research and Writing, Evidence, and Trial Advocacy.

While in law school, Ms. Glaser participated in national competitions for both the Nova Trial Association and the Moot Court Honor Society, winning a National Championship at the 2019 Buffalo-Niagara Mock Trial Competition. For her excellence in advocacy, Ms. Glaser was inducted into the Order of the Barristers.

Ms. Glaser received a Bachelor of Science in both Accounting and Finance from Florida State University. While attending Florida State, she interned for the University's Office of Inspector General Services where she assisted internal auditors in investigating allegations related to compliance, fraud, and abuse of university resources.

# EXHIBIT 2



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Washington, DC 20009  
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**KALIEL PLLC**

Kaliel PLLC was founded in 2017 and is a 100% contingency Plaintiffs'-side law firm. Our attorneys have decades of combined experience and have secured hundreds of millions of dollars for their clients. Our firm's practice focuses on representing consumers in class action litigation and specifically on cases in the consumer financial services sector. In the three years since our firm was founded, our firm has been appointed lead counsel or co-lead counsel in numerous class action and putative class action lawsuits in state and federal courts nationwide including most recently in *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.); *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.); *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.); *Liggio v. Apple Federal Credit Union*, No. 18-cv-01059 (E.D. Va.); *Morris et al. v. Bank of America, N.A.*, No. 3:18-cv-00157-RJC-DSC (W.D.N.C.); *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cty., Colo.); *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.); *White v. Members 1<sup>st</sup> Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.); *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cty. Of Bartholomew, Ind.); *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.); *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct. Cty. Of San Francisco, Cal.); *Martin v. Le&N Federal Credit Union*, No. 19-CI-022873 (Jefferson Circuit Court, Division One); and *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cty.)

As shown in the biographies of our attorneys and the list of class counsel appointments, Kaliel PLLC is well versed in class action litigation and zealously advocates for its clients. To learn more about Kaliel PLLC, or any of the firm's attorneys, please visit [www.kalielllc.com](http://www.kalielllc.com).



**JEFFREY KALIEL**

Jeffrey Kaliel earned his law degree from Yale Law School in 2005. He graduated from Amherst College summa cum laude in 2000 with a degree in Political Science, and spent one year studying Philosophy at Cambridge University, England.

Over the last 10 years, Jeff has built substantial class action experience. He has received "Washington D.C. Rising Stars Super Lawyers 2015" recognition.

Jeff has been appointed lead Class Counsel in numerous nationwide and state-specific class actions. In those cases, Jeff has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. Jeff has also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for millions of class members.

Currently Jeff is actively litigating several national class action cases, including actions against financial services entities and other entities involved in predatory lending and financial services targeting America's most vulnerable populations.

Jeff's class action successes extend beyond financial services litigation. He seeks to lead cases that serve the public interest. Jeff has worked with nonprofits such as the Humane Society, Compassion Over Killing, and the National Consumers League to fight for truth in the marketplace on food and animal products.

Jeff has over a decade of experience in high-stakes litigation. He was in the Honors Program at the Department of Homeland Security, where he worked on the Department's appellate litigation. Jeff also helped investigate the DHS response to Hurricane Katrina in preparation for a Congressional inquiry. Jeff also served as a Special Assistant US Attorney in the Southern District of California, prosecuting border-related crimes.

Jeff is a former Staff Sergeant in the Army, with Airborne and Mountain Warfare qualifications. He is a veteran of the second Iraq war, having served in Iraq in 2003.

Jeff is admitted to practice in California and Washington, DC, and in appellate and district courts across the country.

Jeff lives in Washington, D.C. with his wife, Debbie, and their three children.



**SOPHIA GOREN GOLD**

Sophia Goren Gold is a third-generation Plaintiffs' lawyer. A *summa cum laude* graduate of Wake Forest University and the University of California, Berkeley, School of Law, Sophia has spent her entire career fighting for justice.

A fierce advocate for those in need, Sophia's practice centers around taking on financial institutions, insurance companies, and other large corporate interests. Sophia has participated in hundreds of individual and class cases in both state and federal courts across the country. Collectively, she has helped secure tens of millions of dollars in relief on behalf of the classes she represents.

In addition to providing monetary relief, Sophia's extensive litigation experience has resulted in real-world positive change. For example, she brought litigation which resulted in the elimination of the Tampon Tax in the State of Florida, and she was influential in changing the state of Delaware's Medicaid policy, resulting in greater access to life-saving medication.

Sophia is currently representing consumers in numerous cases involving the assessment of improper fees by banks and credit unions, such as overdraft fees, insufficient funds fees, and out of network ATM fees. She is also currently representing consumers who have been the victims of unfair and deceptive business practices.

Sophia is admitted to practice in California and Washington, D.C. When not working, Sophia enjoys spending time with her husband and their goldendoodle.



**BRITTANY CASOLA**

Brittany Casola attended the University of Central Florida in Orlando and graduated in 2012 with a bachelor's degree in Political Science and a minor in Spanish. Brittany earned her Juris Doctorate from California Western School of Law in 2015 and graduated magna cum laude in the top 10% of her class.

Throughout the course of her law school career, she served as a judicial extern to the Honorable Anthony J. Battaglia for the United States District Court, Southern District of California and worked multiple semesters as a certified legal intern for the San Diego County District Attorney's Office. Brittany was awarded Academic Excellence Awards in law school for receiving the highest grade in Trial Practice, Health Law & Policy, and Community Property.

Before joining Kaliel PLLC, Brittany worked as a judicial law clerk for the Honorable Anthony J. Battaglia and as an associate attorney for Carlson Lynch LLP, specializing in consumer complex litigation.



### **CLASS COUNSEL APPOINTMENTS**

- *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.);
- *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.);
- *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.).
- *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.);
- *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cty., Colo.).
- *Liggio v. Apple Federal Credit Union*, Civil No. 18-cv-01059 (E.D. Va.);
- *Morris et al. v. Bank of America, N.A.*, Civil No. 3:18-cv-00157-RJC-DSC (W.D.N.C.);
- *White v. Members 1<sup>st</sup> Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.);
- *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cty. Of Bartholomew, Ind.);
- *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.);
- *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct. Cty. Of San Francisco, Cal.);
- *Martin v. L&N Federal Credit Union*. No. 19-CI-022873 (Jefferson Circuit Court, Division One);
- *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cty.)
- *Bodnar v. Bank of America, N.A.*, 5:14-cv-03224 (E.D. Pa.);
- *In re Higher One OneAccount Marketing and Sales Practice Litigation.*, No. 12-md-02407-VLB (D. Conn.).
- *Shannon Schulte, et al. v. Fifth Third Bank.*, No. 1:09-cv-06655 (N.D. Ill.);
- *Kelly Mathena v. Webster Bank*, No. 3:10-cv-01448 (D. Conn.);
- *Nick Allen, et al. v. UMB Bank, N.A., et al.*, No. 1016 Civ. 34791 (Cir. Ct. Jackson County, Mo.);
- *Thomas Casto, et al. v. City National Bank, N.A.*, 10 Civ. 01089 (Cir. Ct. Kanawha County, W. Va.);
- *Eaton v. Bank of Oklahoma, N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.*, No. CJ-2010-5209 (Dist. Ct. for Tulsa Cty., Okla.);
- *Lodley and Tehani Taulva, et al., v. Bank of Hawaii and Doe Defendants 1-50*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.);
- *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al.*, No. 1:10-cv-21080 (S.D. Fla.);
- *Mascaro, et al. v. TD Bank, Inc.*, No. 10-cv-21117 (S.D. Fla.);
- *Theresa Molina, et al., v. Intrust Bank, N.A.*, No. 10-cv-3686 (18th Judicial Dist., Dist. Ct. Sedgwick County, Kan.);
- *Trombley v. National City Bank*, 1:10-cv-00232-JDB (D.D.C.); *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.);
- *Brown et al. v. Transurban USA, Inc. et al.*, No. 1:15-CV-00494 (E.D. Va.);
- *Grayson v. General Electric Co.*, No. 3:13-cv-01799 (D. Conn.);
- *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.).



# EXHIBIT 3



## Firm Resume

Jonathan Tycko and Hassan Zavareei founded Tycko & Zavareei LLP in 2002 when they left a large national firm to form a private public interest law firm. Since then, a wide range of clients have trusted the firm with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

The firm's practice focuses on complex litigation, with a particular emphasis on consumer and other types of class actions, and *qui tam* and False Claims Act litigation. In its class action practice, the firm represent consumers who have been victims of corporate wrongdoing. The firm's attorneys bring a unique perspective to such litigation because many of them trained at major national defense firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables the firm to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation. Tycko & Zavareei LLP's attorneys have successfully obtained class certification, been appointed class counsel, and obtained approval of class action settlements with common funds totaling over \$500 million.

Tycko & Zavareei LLP's sixteen attorneys graduated from some of the nation's finest law schools, including Harvard Law School, Columbia Law School, Duke University School of Law, UC Berkeley School of Law, Georgetown Law, and the University of Michigan Law School. They have served in prestigious clerkships for federal and state trial and appellate judges and have worked for low-income clients through competitive public interest fellowships. The firm's diversity makes it a leader amongst its peers, and the firm actively and successfully recruits attorneys who are women, people of color, and LGBTQ. To support its mission of litigating in the public interest, Tycko & Zavareei LLP offers a unique public interest fellowship for recent law graduates. Tycko & Zavareei LLP's attorneys practice in state and federal courts across the nation.

## Representative Cases

***Vergara v. Uber Technologies, Inc.*, No. 1:15-cv-06972 (N.D. Ill.).** Tycko & Zavareei LLP served as Co-Lead Counsel in this case under the Telephone Consumer Protection Act, in which he obtained a class settlement of \$20 million.

***In re Fifth Third Early Access Cash Advance Litigation*, No. 1:12-cv-00851 (S.D. Ohio).** Tycko & Zavareei LLP was appointed Co-Lead Counsel in these consolidated payday lending cases, which are in discovery after a successful appeal before the Sixth Circuit.

***Farrell v. Bank of America, N.A.*, No. 16-cv-000492 (S.D. Cal.).** As Co-Lead Counsel, Tycko & Zavareei LLP obtained a settlement valued at \$66.6 million plus injunctive relief valued at \$1.2 billion.

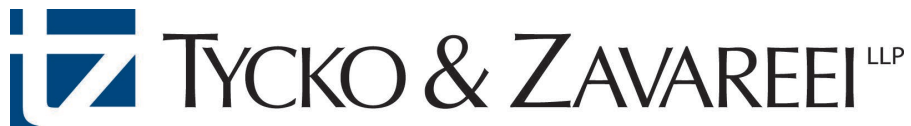
***In re TD Bank, N.A. Debit Card Overdraft Fee Litigation*, No. 15-mn-02613 (D.S.C.).** Tycko & Zavareei LLP serves on the Plaintiffs Executive Committee in this case challenging TD Bank's overdraft fee practices. Tycko & Zavareei LLP assisted in obtaining a \$70 million class settlement.

***In re Higher One Account Marketing & Sales Practices Litigation*, No. 12-md-02407 (D. Conn.).** As Lead Counsel, Tycko & Zavareei LLP helped secure a \$15 million common fund settlement with significant changes to business practices for illegal debit card fees.

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Washington, DC 20036  
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510.254.6808

Tycko & Zavareei LLP  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90024  
510.254.6808



***Duval v. Citizens Financial Group, Inc.*, No. 10-cv-21080 (S.D. Fla.).** Tycko & Zavareei LLP was appointed Class Counsel and obtained a common fund settlement of \$137.5 million.

***In re American Psychological Association Assessment Fee Litigation*, No. 10-cv-01780 (D.D.C.).** Tycko & Zavareei LLP served as Co-Lead Counsel in this case challenging the APA's deceptive fee practices, and achieved a \$9.02 million common fund settlement for the class.

***Lloyd v. Navy Federal Credit Union*, No. 17-cv-1280 (S.D. Cal.).** As Co-Lead Counsel, Tycko & Zavareei LLP helped secure a \$24.5 million common fund settlement on behalf of a class of NFCU customers harmed by the credit union's overdraft fee practices.

***Morgan v. Apple, Inc.*, No. 17-cv-5277 (N.D. Cal.), *Simmons v. Apple Inc.*, No. 17CV312251 (Sup. Ct. Ca., Santa Clara Cty.).** Tycko & Zavareei LLP is currently serving as Lead Counsel in this class action challenging Apple's deceptive marketing of Powerbeats headphones and secured a \$9.75 million settlement for the class, which is pending preliminary approval.

***Wallace v. Wells Fargo Bank, N.A.*, No. 17CV31775 (Sup. Ct. Ca., Santa Clara Cty.).** Tycko & Zavareei LLP serve as Co-Lead Counsel in this case against Wells Fargo's overdraft fee practices. Tycko & Zavareei LLP recently moved for preliminary approval of a \$10.5 million common fund class settlement.

***Roberts v. Capital One Financial Corporation*, No. 16-cv-04841 (S.D.N.Y.).** As Co-Lead Counsel, Tycko & Zavareei LLP helped secure a \$17 million settlement on behalf of Capital One customers forced to pay excessive overdraft fees.

***Hawkins v. First Tennessee Bank, N.A.*, No. CT-0040851-11 (Cir. Ct. Shelby Cty. Tenn.).** As Co-Lead Counsel, Tycko & Zavareei LLP helped obtain a class settlement of \$16.75 million on behalf of bank customers harmed by First Tennessee's predatory overdraft fees.

***Mascaro v. TD Bank, N.A.*, No. 10-cv-21117 (S.D. Fla.).** Tycko & Zavareei LLP was appointed Class Counsel and was instrumental in obtaining a \$62 million common fund on behalf of the class.

***Trombley v. National City Bank*, No. 10-cv-00232 (D.D.C.).** Tycko & Zavareei LLP served as Lead Counsel and obtained a \$12 million common fund settlement on behalf of a class of consumers.

***Taulava v. Bank of Hawaii*, No. 11-1-0337-02 (Cir. Ct. of 1<sup>st</sup> Cir., Haw.).** As Co-Lead Counsel, Tycko & Zavareei LLP obtained a \$9 million common fund for a class of customers who were harmed by Bank of Hawaii's overdraft fee practices.

***Bodnar v. Bank of America, N.A.*, No. 14-cv-3224 (E.D. Pa.).** Tycko & Zavareei LLP served as lead Counsel and obtained a \$27.5 million class settlement and significant injunctive relief.

***Lambert v. Navy Federal Credit Union*, No. 19-cv-00103 (E.D. Va.).** Tycko & Zavareei LLP was appointed Class Counsel and helped secure a \$16 million settlement on behalf of members of Navy Federal Credit Union who were harmed by the credit union's practice of assessing a second or third NSF Fee upon re-presentment of debit items or checks.

***Hamm v. Sharp Electronics Corp.*, No. 19-cv-488 (M.D. Fla.).** Tycko & Zavareei LLP was appointed Co-Lead Counsel and was instrumental in providing relief valued at \$109 million for class members exposed to a product defect in certain Sharp Microwave Drawer Ovens.

***Gibbs v. TCV V, LP & Gibbs v. Rees*, Nos. 19-cv-789 & 20-cv-717 (E.D. Va.).** Tycko & Zavareei LLP was named class counsel in one of, if not, the largest unlawful tribal payday lending schemes. Thus far, class counsel has been able to obtain a settlement fund over \$60 million as well as the cancellation of \$380 million in loans.



## Jonathan Tycko

### Partner

202.973.0900

jtycko@tzlegal.com

In his 25 years of practice, Jonathan Tycko has represented a wide range of clients, including individuals, Fortune 500 companies, privately-held business, and non-profit associations, in both trial and appellate courts around the country. Although he continues to handle a variety of cases, his current practice is focused primarily on helping whistleblowers expose fraud and corruption through qui tam litigation under the False Claims Act and other similar whistleblower statutes. Mr. Tycko's whistleblower clients have brought to light hundreds of millions of dollars in fraud in cases involving healthcare, government contracts, customs and import duties, banking and tax.

Prior to founding Tycko & Zavareei LLP in 2002, Mr. Tycko was with Gibson, Dunn & Crutcher LLP, one of the nation's top law firms. He received his law degree in 1992 from Columbia University Law School, and earned a B.A. degree, with honors, in 1989 from The Johns Hopkins University. After graduating from law school, Mr. Tycko served for two years as law clerk to Judge Alexander Harvey, II, of the United States District Court for the District of Maryland.

In addition to his private practice, Mr. Tycko is an active participant in other law-related and community activities. He currently serves on the Conference Committee of the Taxpayers Against Fraud Education Fund, charged with planning the premier annual conference of whistleblower attorneys and their counterparts at the United States Department of Justice and other government agencies. He has taught as an Adjunct Professor at the George Washington University Law School. He is a former member and Chairperson of the Rules of Professional Conduct Review Committee of the District of Columbia Bar, where he helped draft the ethics rules governing members of the bar. And Mr. Tycko is a member of the Board of Trustees of Studio Theatre, one of the D.C. area's top non-profit theaters.

Mr. Tycko is admitted to practice before the courts of the District of Columbia, Maryland and New York, as well as before numerous federal courts, including the Supreme Court, the Circuit Courts for the D.C. Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Seventh Circuit, Ninth Circuit, Eleventh Circuit and Federal Circuit, the District Courts for the District of Columbia and District of Maryland, the Southern District of New York, the Northern District of New York, the Western District of New York, and the Court of Federal Claims.



### Education

Columbia University Law School,  
1992

The Johns Hopkins University, 1989,  
*with honors*

### Bar Admissions

District of Columbia  
Maryland  
New York  
Supreme Court of the United States

### Memberships

American Association for Justice  
(AAJ)  
Public Justice  
Taxpayers Against Fraud Education  
Fund (TAFEF)

### Awards

Stone Scholar (all three years),  
Columbia Law School  
Thomas E. Dewey Prize for Best  
Brief, Harlan Fiske Stone Moot Court  
Competition, Columbia Law School  
Award of Litigation Excellence,  
CARECEN-The Central American  
Resource Center  
Super Lawyers, 2012-current  
Member of the D.C. Bar Leadership  
Academy



## Hassan A. Zavareei

### Partner

202.973.0900

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Mr. Zavareei has devoted the last eighteen years to recovering hundreds of millions of dollars on behalf of consumers and workers. He has served in leadership roles in dozens of class action cases and has been appointed Class Counsel on behalf of numerous litigation and settlement classes. An accomplished and experienced attorney, Mr. Zavareei has litigated in state and federal courts across the nation in a wide range of practice areas; tried several cases to verdict; and successfully argued numerous appeals, including in the D.C. Circuit, the Fourth Circuit, and the Fifth Circuit.

After graduating from UC Berkeley School of Law, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. There, he managed the defense of a nationwide class action brought against a major insurance carrier, along with other complex civil matters. In 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner Jonathan Tycko.

Mr. Zavareei has served as lead counsel or co-counsel in dozens of class actions involving deceptive business practices, defective products, and/or privacy. He has been appointed to leadership roles in multiple cases. As Lead Counsel in an MDL against a financial services company that provided predatory debit cards to college students, Mr. Zavareei spearheaded a fifteen-million-dollar recovery for class members. He is currently serving as Co-Lead Counsel in consolidated proceedings against Fifth Third Bank, and on the Plaintiffs' Executive Committee in MDL litigation against TD Bank. As Co-Lead Counsel in *Farrell v. Bank of America*, a case challenging Bank of America's punitive overdraft fees, Mr. Zavareei secured a class settlement valued at \$66.6 million in cash and debt relief, together with injunctive relief forcing the bank to change a practice that will save millions of low-income consumers approximately \$1.2 billion in overdraft fees. In his Order granting final approval, Judge Lorenz of the U.S. District Court for the Southern District of California described the outcome as a "remarkable" accomplishment achieved through "tenacity and great skill."



### Education

UC Berkeley School of Law, 1995  
*Order of the Coif*

Duke University, 1990  
*cum laude*

### Bar Admissions

California  
District of Columbia  
Maryland  
Supreme Court of the United States

### Memberships

Public Justice, Board Member  
American Association for Justice

### Awards

Washington Lawyers Committee,  
*Outstanding Achievement Award*  
Super Lawyer  
Lawdragon 500

### Presentations & Publications

Witness Before the Subcommittee on  
the Constitution and Civil Justice,  
115<sup>th</sup> Congress

Witness Before the Civil Rules  
Advisory Committee, 2018, 2019

Editor, Duke Law School Center for  
Judicial Studies, Guidance on New  
Rule 23 Class Action Settlement  
Provisions

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## Andrea R. Gold

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### Partner

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Andrea Gold has spent her legal career advocating for consumers, employees, and whistleblowers. Ms. Gold has litigated numerous complex cases, including through trial. Her extensive litigation experience benefits the firm's clients in both national class action cases as well as in qui tam whistleblower litigation.

She has served as trial counsel in two lengthy jury trials.

In her class action practice, Ms. Gold has successfully defended dispositive motions, navigated complex discovery, worked closely with leading experts, and obtained contested class certification. Her class action cases have involved, amongst other things, unlawful bank fees, product defects, violations of the Telephone Consumer Protection Act, and deceptive advertising and sales practices.

Ms. Gold also has significant civil rights experience. She has represented individuals and groups of employees in employment litigation, obtaining substantial recoveries for employees who have faced discrimination, harassment, and other wrongful conduct. In addition, Ms. Gold has appellate experience in both state and federal court.

Prior to joining Tycko & Zavareei LLP, Ms. Gold was a Skadden fellow. The Skadden Fellowship Foundation was created by Skadden, Arps, Slate, Meagher & Flom LLP, one of the nation's top law firms, to support the work of new attorneys at public interest organizations around the country.

Ms. Gold earned her law degree from the University of Michigan Law School, where she was an associate editor of the Journal of Law Reform, co-President of the Law Students for Reproductive Choice, and a student attorney at the Family Law Project clinical program. Ms. Gold graduated with high distinction from the University of Michigan Ross School of Business in 2001, concentrating her studies in Finance and Marketing.



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### Education

University of Michigan Law School,  
2004

University of Michigan, Ross School  
of Business, 2001

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### Bar Admissions

District of Columbia  
Illinois  
Maryland

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### Memberships

American Association for Justice  
National Associate of Consumer  
Advocates

National Employment Lawyers  
Association

Public Justice

Taxpayers Against Fraud Education  
Fund

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### Awards

National Trial Lawyers, Top 100 Civil  
Plaintiff Lawyers, 2020

Super Lawyers, Rising Star

Skadden Fellow, Skadden Arps Slate  
Meagher & Flom LLP, 2004-2006



## Anna Haac

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### Partner

202.973.0900

ahaac@tzlegal.com



Anna C. Haac is a Partner in Tycko & Zavareei LLP's Washington, D.C. office. She focuses her practice on consumer protection class actions and whistleblower litigation. Her prior experience at Covington & Burling LLP, one of the nation's most prestigious defense-side law firms, gives her a unique advantage when representing plaintiffs against large companies in complex cases. Since arriving at Tycko & Zavareei LLP, Ms. Haac has represented consumers in a wide range of practice areas, including product liability, false labeling, deceptive and unfair trade practices, and predatory financial practices. Her whistleblower practice involves claims for fraud on federal and state governments across an equally broad spectrum of industries, including health care fraud, customs fraud, and government contracting fraud.

Ms. Haac has helped secure multimillion-dollar relief on behalf of the classes and whistleblowers she represents. Ms. Haac also serves as the D.C. Co-Chair of the National Association of Consumer Advocates and as Co-Chair of the Antitrust and Consumer Law Section Steering Committee of the D.C. Bar.

Ms. Haac earned her law degree cum laude from the University of Michigan Law School in 2006 and went on to clerk for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Prior to law school, Ms. Haac graduated with a B.A. in political science with highest distinction from the Honors Program at the University of North Carolina at Chapel Hill.

Ms. Haac is a member of the District of Columbia and Maryland state bars. She is also admitted to the United States Court of Appeals for the Second, Third, and Fourth Circuits and the United States District Courts for the District of Columbia, District of Maryland, and the Eastern District of Michigan, among others.

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### Education

University of Michigan Law School,  
2006, *cum laude*

University of North Carolina at  
Chapel Hill, 2006, *highest honors*

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### Bar Admissions

District of Columbia  
Maryland

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### Memberships

Antitrust & Consumer Protection  
Section of District of Columbia Bar,  
Co-Chair

National Association of Consumer  
Advocates, District of Columbia  
Co-Chair

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### Awards

Super Lawyers, Rising Star, 2015

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### Presentations & Publications

Discussion Leader, "Practical Ideas  
about Properly Framing the Issues  
and Educating the Court and Public  
in Filings Responding to Increasing  
Attacks on Class Action Settlements  
and Fees," Invitation-Only  
Cambridge Forum on Plaintiffs'  
Class Action Litigation (October  
2020)

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## Annick M. Persinger

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### Partner

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apersinger@tzlegal.com

Annick M. Persinger leads Tycko & Zavareei LLP's California office as California's Managing Partner. While at Tycko & Zavareei LLP, Ms. Persinger has dedicated her practice to utilizing California's prohibitions against unfair competition and false advertising to advocate for consumers. Ms. Persinger has taken on financial institutions, companies that take advantage of consumers with deceptive advertising, tech companies that disregard user privacy, companies that sell defective products, and mortgage loan servicers. Ms. Persinger also represents whistleblowers who expose their employer's fraudulent practices.

Ms. Persinger graduated magna cum laude as a member of the Order of the Coif from the University of California, Hastings College of the Law in 2010. While in law school, Ms. Persinger served as a member of Hastings Women's Law Journal, and authored two published articles. In 2008, Ms. Persinger received an award for Best Oral Argument in the first year moot court competition. In 2007, Ms. Persinger graduated cum laude from the University of California, San Diego with a B.A. in Sociology, and minors in Law & Society and Psychology.

Following law school, Ms. Persinger worked as a legal research attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

Ms. Persinger served as an elected board member of the Bay Area Lawyers for Individual Freedom (BALIF) from 2017 to 2019, and as Co-Chair of BALIF from 2018 to 2019. During her term on the BALIF Board of Directors, Ms. Persinger advocated for LGBTQI community members with intersectional identities, and promoted anti-racism and anti-genderism. Ms. Persinger now serves as a Steering Committee member for the Cambridge Forum on Plaintiffs' Food Fraud Litigation.



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### Education

University of California Hastings  
College of Law, 2010 *Magna Cum Laude*, Order of the Coif

University of California San Diego,  
2007 *Cum Laude*

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### Bar Admissions

California

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### Memberships

American Association for Justice

Plaintiffs' Food Fraud Litigation,  
2020 Steering Committee Member

Public Justice

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### Awards

Super Lawyer, Rising Star 2020

UC Hastings, *Best Oral Argument* 2008





## Sabita J. Soneji

### Partner

510.254.6808

ssoneji@tzlegal.com

In almost 20 years of practice, Sabita J. Soneji has developed extensive experience in litigation and legal policy at both the federal and state level and a passion for fighting consumer fraud. Now a Partner in Tycko & Zavareei LLP's Oakland office, she focuses on consumer protection class actions and whistleblower litigation. In addition to her success with novel Telephone Consumer Protection cases, False Claims Act cases involving insurance fraud, and deceptive and false advertising cases, Ms. Soneji serves in leadership on multi-district litigation against Juul, for its manufacture and marketing to youth of an addictive nicotine product. Ms. Soneji also successfully represents consumers harmed by massive data breaches and by corporate practices that collect and monetize user data without consent. She serves as head of the firm's Privacy and Data Breach Group.

Ms. Soneji began that work during her time with the United States Department of Justice, as Senior Counsel to the Assistant Attorney General. In that role, she oversaw civil and criminal prosecution of various forms of financial fraud that arose in the wake of the 2008 recession. For that work, Ms. Soneji partnered with other federal agencies, state attorneys' general, and consumer advocacy groups. Beyond that affirmative work, Ms. Soneji worked to defend various federal programs, including the Affordable Care Act in nationwide litigation.

Ms. Soneji has extensive civil litigation experience from her four years with international law firm, her work as an Assistant United States Attorney in the Northern District of California, and from serving as Deputy County Counsel for Santa Clara County, handling civil litigation on behalf of the County including regulatory, civil rights, and employment matters. She has successfully argued motions and conducted trials in both state and federal court and negotiated settlements in complex multi-party disputes.

Early in her career, Ms. Soneji clerked for the Honorable Gladys Kessler on the United States District Court for the District of Columbia, during which she assisted the judge in overseeing the largest civil case in American history, *United States v. Phillip Morris, et al.*, a civil RICO case brought against major tobacco manufacturers for fraud in the marketing, sale, and design of cigarettes. The opinion in that case paved the way for Congress to authorize FDA regulation of cigarettes.

Ms. Soneji is a graduate of the University of Houston, *summa cum laude*, with degrees in Math and Political Science, and Georgetown University Law Center, *magna cum laude*.



### Education

Georgetown University Law Center,  
*magna cum laude*

University of Houston, *summa cum laude*

### Bar Admissions

District of Columbia  
California

### Memberships

American Association for Justice  
(AAJ)

Public Justice

Taxpayers Against Fraud Education  
Fund (TAFEF)

### Awards

Attorney General's Award 2014

### Presentations & Publications

NITA Trial Skills Faculty 2010-  
present



## Kristen G. Simplicio

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### Partner

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ksimplicio@tzlegal.com

Kristen G. Simplicio has devoted her career to representing victims of false advertising and corporate fraud. Prior to joining Tycko & Zavareei LLP's D.C. office in 2020, she spent ten years at a boutique class action firm in California. While there, she successfully litigated over a dozen false advertising cases against manufacturers of a variety of consumer products, including olive oil, flushable wipes, beverages, and chocolate. In connection with this work, she helped to obtain millions of dollars in refunds to consumers, as well as changed practices.

In addition to her product labeling work, Ms. Simplicio has represented plaintiffs in a wide variety of areas. For example, she was the lead associate on RICO case on behalf of small business owners against 18 defendants in the credit card processing industry. In connection with that case, she obtained a preliminary injunction halting an illegal \$10 million debt collection scheme, and later, helped to secure refunds and changed practices for the victims. She has also represented victims of other debt collectors, as well as those harmed by unlawful background and credit reporting, including a pro bono matter performed in conjunction with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Ms. Simplicio also worked on a lawsuit against government agencies, which were charging unconstitutional fines and fees in connection with toll collection.

Ms. Simplicio graduated cum laude from American University, Washington College of Law in 2007. She holds a bachelor's degree from McGill University. She began her legal career at the United States Department of Labor, where she advised on regulations pertaining to group health insurance plans. Before and during law school, Ms. Simplicio worked for other plaintiffs' law firms.

Ms. Simplicio serves as the D.C. Co-Chair of the National Association of Consumer Advocates. She is admitted to practice in California and the District of Columbia.



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### Education

American University, Washington  
College of Law, 2007 *cum laude*

McGill University, 1999

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### Bar Admissions

California  
District of Columbia

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### Memberships

National Association of Consumer  
Advocates

American Association for Justice



## Renée Brooker

### Partner

202.417.3664

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Bringing 30 years of practice, knowledge, and expertise as a former prosecutor in a senior leadership position at the United States Department of Justice, Renée Brooker is now representing whistleblowers. While at the Department of Justice for over two decades, Ms. Brooker was responsible for billions of dollars in recoveries under whistleblower laws. As an accomplished and experienced attorney, Ms. Brooker has advised and represented whistleblowers under the False Claims Act (FCA), the Anti-Kickback Statute and Stark Law, FIRREA (bank fraud, mail, and wire fraud), the Financial Institutions Anti-Fraud Enforcement Act (FIAFE), and the Whistleblower Programs of the SEC, the CFTC, and the IRS.

As Assistant Director within the Civil Division of the United States Department of Justice, Ms. Brooker was responsible for sizeable recoveries and successful judgments under the False Claims Act, FIRREA, and civil RICO in almost every industry: pharmaceutical, health care, defense, financial services, government procurement, small business, insurance, tobacco products, and higher education.

Ms. Brooker received her law degree in 1990 from Georgetown University Law Center, and a B.S. degree in 1987 from Temple University. After graduating from Georgetown, Ms. Brooker served as a Law Clerk to Judge Noël Kramer in the District of Columbia for one year before joining the United States Department of Education as an attorney. Ms. Brooker was hired as part of the enforcement response to Congressional investigations of fraud in federal student aid programs affecting consumers and taxpayers. Prior to joining Tycko & Zavareei LLP in 2020, Ms. Brooker worked at another prominent whistleblower firm where she advised and represented whistleblowers while expanding the firm's whistleblower practice. Ms. Brooker also served as a member of the United States Department of Justice-appointed Independent Corporate Compliance Monitor and Auditor for Volkswagen under its Plea Agreement and Consent Decree with the United States Department of Justice.



### Education

J.D., Georgetown University Law Center  
B.S., Temple University

### Bar Admissions

District of Columbia  
Pennsylvania

### Memberships

Taxpayers Against Fraud Education Fund (TAFEF)  
Board Member, Federal Bar Association  
Qui Tam Section  
National Employment Lawyers Association (NELA)

### Awards

Department of Justice Commendation Award for recovering billions of dollars under the Big Lender Initiative, 2016  
Council of the Inspectors General on Integrity and Efficiency Award for Excellence for \$1.2 billion False Claims Act settlement with Wells Fargo, 2016  
Department of Justice Award for "a record of outstanding actions and accomplishments," 2015  
Attorney General's Award for Fraud Prevention, 2011  
Department of Justice Award for prosecuting Big Tobacco under RICO, 2005



## Eva Gunasekera

### Partner

202.417.3655

eva@tzlegal.com

Bringing 16 years of complex litigation experience practice, Eva Gunasekera, the former Senior Counsel for Health Care Fraud at the United States Department of Justice, is now representing whistleblowers. Ms. Gunasekera has spent the better part of her career enforcing the False Claims Act and the Stark and Anti-Kickback laws.

Highly strategic, Ms. Gunasekera has many notable successes under her belt, sizeable recoveries under the False Claims Act, and has held companies accountable for fraudulent conduct that harmed important government programs such as Medicare and Medicaid. With deep health care fraud expertise, she has investigated, litigated, and settled cases involving all federal health care programs (Medicare, Medicaid, TRICARE, FEHB). Ms. Gunasekera is an expert on analyzing complex health care data sets, including Medicare and Medicaid payment data and trends, to identify potentially fraudulent practices. She has enforced anti-fraud laws and represented whistleblowers across industries: pharmaceutical manufacturers, health care providers, hospitals, physicians, physician groups, laboratories, managed care, pharmacies, hospice and nursing home providers, financial institutions, government suppliers, automotive, small businesses, and defense contractors. Many of her investigations involved parallel criminal proceedings and compliance and whistleblower programs of health care organizations, including those subjected to Corporate Integrity Agreements and oversight by Independent Review Organizations, as required by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG).

After graduating with her Master's in Public Administration from Ohio University, and from Georgetown University Law Center, Ms. Gunasekera practiced law at two international law firms. She acted as second chair during administrative trials and handled complex commercial litigation. Ms. Gunasekera also played a significant role on the team that represented the Enron Creditors Recovery Corp in the bankruptcy proceeding, successfully returning billions of dollars to creditors in the wake of the Enron scandal. Further, Ms. Gunasekera represented clients in pro bono matters, including the successful defense of an individual seeking asylum and as guardian ad litem for three children.



### Education

J.D., Georgetown University Law Center, 2004

M.A., Ohio University, 2001

B.A., Ohio University, 2000

### Bar Admissions

District of Columbia

Ohio

### Memberships

Taxpayers Against Fraud Education Fund (TAFEF)

Federal Bar Association Qui Tam Section

Public Justice

### Presentations & Publications

"Whistleblower Rewards 101" – Scottsdale (Arizona) Bar Association (March 9, 2021)

"Should the False Claims Act be Amended to Define Falsity?" - Federal Bar Association, Qui Tam Section (February 17, 2021)

Law review article: False Claims Act, the opioid crisis, whistleblowing, Emory University Law School, February 26, 2019





## Mark A. Clifford

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### Associate

202.973.0900

mclifford@tzlegal.com

Mr. Clifford zealously represents plaintiffs in class action litigation challenging corporate greed and practices that place profits over people. He is actively litigating cases against financial institutions, big tobacco, and the insurance industry over fraudulent, unfair, and unlawful conduct that has harmed millions of consumers. He also is litigating a number of data breach cases, in which the personal information of millions of innocent victims was stolen due to the lax security practices of major corporations. In addition to his consumer protection practice, Mr. Clifford represents whistleblowers who come forward with information about fraud on government programs.

Prior to joining Tycko & Zavareei LLP in 2019, Mr. Clifford was an Associate in the Washington, D.C. office of Covington & Burling LLP, one of the nation's top defense-side firms. He uses his knowledge of how the other side operates to advance the interests of clients harmed by corporate wrongdoing. During his time at Covington, Mr. Clifford represented corporations in complex litigation and government investigations, including matters involving whistleblower allegations in the healthcare and technology industries. He also maintained an active *pro bono* practice, representing indigent defendants in immigration and criminal matters.

Mr. Clifford graduated *magna cum laude* from Georgetown University Law Center in 2015. While in law school, he was an Executive Editor of the Georgetown Law Journal. Following law school, Mr. Clifford clerked for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Prior to law school, he worked on several political campaigns following his graduation with honors from the University of Georgia in 2009 with a Bachelor of Arts in International Affairs and a Master of Public Administration.

Mr. Clifford is admitted to practice law in the District of Columbia, Maryland, the United States District Court for the District of Maryland, and the United States Court of Appeals for the Fourth Circuit.



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### Education

Georgetown University Law Center,  
2015 *magna cum laude*

University of Georgia, 2009

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### Bar Admissions

District of Columbia

Maryland

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### Memberships

American Constitution Society

LGBT Bar Association of the District  
of Columbia

Public Justice

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### Awards

Medina S. and John M. Vasily  
Endowed Scholarship (GULC)

Law Center Scholar (GULC)

CALI Award – Contracts (GULC)

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### Presentations & Publications

Georgetown Law Journal, Executive  
Editor (2014 – 2015)

Co-Author, "The LGBT  
Community" in *Divide, Develop, and  
Rule: Human Rights Violations in  
Ethiopia*, UW College of Law (2018)



## Mallory Morales

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### Associate

510.254.6808  
mmorales@tzlegal.com

Mallory Morales graduated magna cum laude from Boston University in 2013, with a degree in Anthropology and Religion. After graduation she worked at the Massachusetts Attorney General's Office as a mediator for its consumer advocacy division, and then as a paralegal in the division of open government.

She earned her law degree from the University of California, Berkeley School of Law in 2018, where she was elected Editor-in-Chief of the California Law Review. While in law school Ms. Morales also participated in La Raza Law Students' Association, Women of Color Collective, La Raza Law Journal, and First Generation Professionals. She interned for the East Bay Community Law Center and externed for the Honorable William H. Alsup on the United State District Court, Northern District of California.

Prior to joining Tycko & Zavareei LLP in 2020, Ms. Morales practiced commercial litigation at Morrison & Foerster LLP in San Francisco. She maintained a pro bono practice in civil rights litigation and indigent criminal defense.

Ms. Morales is admitted to the State Bar of California and the bars of the United States District Courts for the Northern District of California and Eastern District of California.



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### Education

University of California, Berkeley  
School of Law, 2018

Boston University, 2013, *magna cum laude*

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### Bar Admissions

California



## Allison W. Parr

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### Associate

202.973.0900  
aparr@tzlegal.com

Prior to joining Tycko & Zavareei in 2021, Allison W. Parr was an associate in the Washington, D.C. office of Mayer Brown LLP, where she represented corporations in complex commercial litigation, including cases involving unfair competition and false advertising claims. Previously, Ms. Parr was a litigation associate in the New York office of Kramer Levin Naftalis & Frankel LLP, where she maintained an active pro bono practice in LGBTQ civil rights.

Ms. Parr graduated from the Georgetown University Law Center in 2018, where she served as the Articles and Notes Editor for the Food and Drug Law Journal. During law school, Ms. Parr externed for the Commercial Litigation Branch, Fraud Section of the Department of Justice, where she assisted with cases involving allegations of fraud against the government. Ms. Parr received her Bachelor of Music from the Peabody Institute of the Johns Hopkins University in 2013.

Ms. Parr is admitted to practice in New York and the District of Columbia.



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### Education

Georgetown University, 2018

John Hopkins University, 2013  
*Dean's List with High Honors*

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### Bar Admissions

New York  
District of Columbia

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### Memberships

Public Justice

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### Presentations & Publications

Agribusiness and Antibiotics: A  
Market-Based Solution, 73 Food &  
Drug L.J. 338 (2018)



## Dia Rasinariu

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### Associate

202.973.0900

drasinariu@tzlegal.com

Dia Rasinariu graduated *cum laude* from Harvard Law School in 2016. While in law school, Ms. Rasinariu served as an Executive Editor of the *Harvard Law Review*. She was also a member of HLS Lambda. Following law school, Ms. Rasinariu clerked for the Honorable Diana Gribbon Motz on the United States Court of Appeals for the Fourth Circuit. Ms. Rasinariu earned her Bachelor of Arts, with distinction, from Cornell University in 2011, with majors in Government and in Economics.

Prior to joining Tycko & Zavareei LLP in 2021, Ms. Rasinariu was a litigation associate in the Washington, D.C. office of Jones Day. Ms. Rasinariu maintained an active pro bono practice, representing clients on civil rights, asylum, and domestic violence matters.

Ms. Rasinariu is a member of the District of Columbia and Illinois state bars. She is also admitted to practice before the United States District Court for the District of Maryland and the United States Courts of Appeals for the Fourth and Sixth Circuits.



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### Education

Harvard Law School, 2016  
*cum laude*

Cornell University, 2011  
*with distinction*

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### Bar Admissions

Illinois  
District of Columbia

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### Memberships

Public Justice

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### Awards

Super Lawyers, Rising Star 2020





## Glenn Chappell

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### Associate

202.973.0900  
gchappell@tzlegal.com

Glenn Chappell is an associate in the Washington, D.C. office. Prior to joining Tycko & Zavareei, he was an associate in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, one of the nation's most prestigious defense-side firms. During his time at Gibson Dunn, Mr. Chappell represented corporations in complex litigation at the trial and appellate levels, including the United States Supreme Court. He also maintained an active pro bono practice that focused on police and sentencing reform.

Mr. Chappell graduated summa cum laude from Duke University School of Law in 2017, where he served as Managing Editor of the *Duke Law Journal* and Senior Research Editor of the *Duke Law & Technology Review*. While in law school, he dedicated more than 450 hours to pro bono work.

After graduating law school, Mr. Chappell clerked for the Honorable Gerald Bard Tjoflat of the United States Court of Appeals for the Eleventh Circuit and the Honorable Anthony J. Trenga of the United States District Court for the Eastern District of Virginia. Before law school, he worked as a manager in the manufacturing industry. He graduated with honors from Saint Leo University, earning a Bachelor of Arts in Business Administration. His legal scholarship has appeared in multiple publications, including the *Duke Law Journal* and the *University of Richmond Law Review*.



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### Education

Duke University School of Law, 2017  
*Summa Cum Laude*, Order of the Coif  
Saint Leo University, 2011 *Cum Laude*

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### Bar Admissions

District of Columbia  
Virginia

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### Memberships

Order of the Coif  
Virginia Equality Bar Association  
American Constitution Society  
Virginia Bar Association

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### Publications

*The Historical Case for Constitutional "Concepts"*, 53 UNIVERSITY OF RICHMOND LAW REVIEW 373 (2019)  
*Health Care's Other "Big Deal": Direct Primary Care Regulation in Contemporary American Health Law*, 66 DUKE LAW JOURNAL 1331 (2017)  
*Seeking Rights, Not Rent: How Litigation Finance Can Help Break Copyright's Precedent Gridlock*, 15 DUKE LAW & TECHNOLOGY REVIEW 269 (2017)



## Lauren Kuhlik

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### Associate

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Prior to joining Tycko & Zavareei in 2021, Lauren Kuhlik was a fellow at the National Prison Project of the American Civil Liberties Union, where she engaged in litigation and other advocacy to stop unconstitutional and illegal practices by prison and jail administrators and ICE. She focused on improving conditions of confinement for pregnant and postpartum people, as well as fighting to eliminate the inhumane practice of solitary confinement. During the COVID-19 crisis, Ms. Kuhlik maintained an extensive habeas practice seeking to secure the release of detained individuals with medical vulnerabilities.

Ms. Kuhlik graduated cum laude from Harvard Law School in 2017. She also received a Masters in Public Health from the Harvard T.H. Chan School of Public Health in 2017. Following law school, Ms. Kuhlik clerked for the Honorable Stephen Glickman of the District of Columbia Court of Appeals. She has published articles regarding the treatment of pregnant incarcerated people in the Harvard Law and Policy Review and the Harvard Civil Rights-Civil Liberties Law Review. Ms. Kuhlik has also published about gender and incarceration in USA Today and Ms. Magazine, among others.



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### Education

Harvard Law School, 2017 *Cum Laude*

Harvard T.H. Chan School of Public Health, M.P.H., 2017

Wesleyan University, BA in Philosophy with Honors, 2011

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### Bar Admissions

District of Columbia

Virginia (inactive)

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### Memberships

Public Justice

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### Publications & Presentations

National Abortion Federation Annual Meeting (2021)

Pregnancy, Systematic Disregard and Degradation, and Carceral Institutions, Harvard Law & Policy Review (2020)

Harvard Law & Policy Review Fall Symposium (2019)

Society of Family Planning Annual Meeting (2019)

George Mason University Law School Civil Rights Law Journal Symposium (2019)

Pregnancy Behind Bars: The Constitutional Argument for Reproductive Healthcare Access in Prison, Harvard Civil Rights & Civil Liberties Law Review (2017)



## David W. Lawler

### Of Counsel

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dlawler@tzlegal.com



Mr. Lawler joined Tycko & Zavareei LLP in January 2012. He has over twenty years of commercial litigation experience, including an expertise in eDiscovery and complex case management. At the firm Mr. Lawler has represented consumers in a numerous practice areas, including product liability, false labeling, deceptive and unfair trade practices, and antitrust class actions litigation.

Before joining Tycko & Zavareei LLP, Mr. Lawler was an associate in the litigation departments at McKenna & Cuneo LLP and Swidler Berlin Shereff Friedman LLP.

Among Mr. Lawler's career achievements include the co-drafting of appellate briefs which resulted in rare reversal and entry of judgment in favor of client, US Court of Appeals for the Fourth Circuit.

Mr. Lawler is a member of the District of Columbia Bar, as well as numerous federal courts.

### Education

Creighton University School of Law, 1997

University of California, Berkeley School of Law, 1989

### Bar Admissions

District of Columbia

### Memberships

American Association for Justice  
Public Justice

### Representative Cases

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Penn.) (complex price-fixing action)

*Morgan v. Apple, Inc.*, Case No. 4:17-cv-5277(N.D. Cal.) (multimillion-dollar case alleging defects in high-end Powerbeats headphone)

*In re Automotive Parts Antitrust Litigation*, Master File No. 12-md-02311 (E.D. Mich.) (described by the Department of Justice as the largest antitrust case in history, recovering over \$1.2 billion for classes)

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## Jennifer Thelusma

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### Fellow

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Jennifer Thelusma graduated from Duke University School of Law in 2019 with a J.D. and a certificate in Public Interest and Public Service.

While at Duke Law, Jennifer gained legal experience through various practical projects. For example, during the Fall of her 2L year, as a legal intern in the Duke Wrongful Convictions Clinic, she worked to move five cases through post-conviction review by conducting legal research, interviewing witnesses, and drafting a motion for appropriate relief. During the Fall of her 3L year, Jennifer externed full time at the U.S. Department of Justice's Special Litigation Section where she worked on cases aimed at enforcing the Constitutional rights of individuals under state hospital and correctional control.

During her time at Duke Law, Jennifer also served as symposium editor of the Duke Environmental Law and Policy Forum, externed in Earthjustice's D.C. office, and served as internal vice president of Duke's Black Law Students Association.

Jennifer received her a B.A. in political science and history from the University of Florida.

Jennifer is a member of the District of Columbia and Florida State Bars.

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### Education

Duke University School of Law, 2019  
University of Florida, 2016,  
*Summa Cum Laude*

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### Bar Admissions

Florida  
District of Columbia

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### Memberships

Public Justice  
Duke Environmental Law and Policy  
Forum, 2017-2019



## Leora N. Friedman

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### Fellow

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Leora Friedman received her J.D. from Georgetown University Law Center in 2020.

At Georgetown Law, Leora obtained diverse legal experience through experiential courses led by the O'Neill Institute for National and Global Health Law and by the Institute for Constitutional Advocacy and Protection. In addition, she authored papers proposing new legal frameworks for addressing the negative health impacts of electronic cigarettes and improving pandemic preparedness through writing-intensive coursework.

During law school, Leora also served as an intern for the Department of Justice's Office of Vaccine Litigation and its Consumer Protection Branch. She was an Executive Editor for the Georgetown Environmental Law Review, which published her note "Recommending Judicial Reconstruction of Title VI to Curb Environmental Racism: A Recklessness-Based Theory of Discriminatory Intent."

Previously, Leora was the Rockefeller Foundation's Princeton Project 55 Fellow from 2014-2015 and, thereafter, aided international health advocacy campaigns at Global Health Strategies.

She graduated from Princeton University with an A.B. in Politics in 2014.

Leora sat for the District of Columbia bar exam, and her results are pending.



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### Education

Georgetown University Law Center,  
2020

Princeton University, 2014

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### Bar Admissions

District of Columbia (exam results  
pending)

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### Memberships

Public Justice

Executive Editor, Georgetown  
Environmental Law Review, 2019–  
2020

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### Publications

*Recommending Judicial Reconstruction of  
Title VI to Curb Environmental Racism: A  
Recklessness-Based Theory of Discriminatory  
Intent*, 32 GEO. ENV'T L. REV. 421  
(2020)